

175B.050 Permitted construction activities -- Permitted entry upon lands, waters, and premises for necessary construction work -- Administrative regulations concerning public utility facilities.

- (1) A project developed by an authority under this chapter may include construction of grade separations at intersections of any project or projects with public highways and changing and adjusting the lines and grades of the highways so as to accommodate them to the design of the grade separation, with the approval of the department.
- (2)
 - (a) If a project developed by an authority results in the need to change the location or grade of any portion of any public highway, it shall be reconstructed at a location that the authority and the department deem most favorable.
 - (b) Any highway relocated under this subsection shall be rebuilt of substantially the same type and in as good condition as the original highway.
- (3) Any public highway affected by the construction of any project may be vacated or relocated as a part of the project, with the approval of the department, in the manner provided by law for the vacation or relocation of public roads.
- (4)
 - (a) The developing authority and its authorized agents and employees may with proper notice enter upon any lands, waters, and premises in the Commonwealth for the purpose of making any surveys, soundings, drillings, and examinations necessary for the purposes of this chapter. This entry shall not be deemed a trespass, nor shall an entry for these purposes be deemed an entry under any condemnation proceedings which may be then pending.
 - (b) The developing authority shall reimburse the owners for any actual damage resulting to lands, waters, and premises as a result of these activities on behalf of the developing authority.
- (5)
 - (a) The state authority may promulgate administrative regulations in accordance with KRS Chapter 13A for the installation, construction, maintenance, repair, renewal, relocation, and removal of public utility facilities.
 - (b) If the developing authority determines that it is necessary for any public utility facilities which now are located in, on, along, over, or under the project to be relocated or be removed, the public utility owning or operating the facilities shall relocate or remove them in accordance with the requirements of the Public Service Commission.
 - (c) In case of a relocation or removal of facilities, the public utility owning or operating the facility and its successors or assigns may maintain and operate these facilities and the necessary appurtenances in the new location, for as long a period and upon the same terms and conditions as it had the right to maintain and operate the facilities in the former location.
 - (d) 1. A utility may establish its lines or properties within the right-of-way of a project which has been constructed or is owned, maintained, or operated by an authority only upon approval by the authority.

2. A utility may connect its lines with businesses and other installations permitted by an authority to exist upon the right-of-way of a project.
- (6) A developing authority may contract with any person, partnership, association, or corporation desiring the incidental use of any part of the project, including the right-of-way adjoining the project, for the limited purpose of placing telecommunications equipment, power lines, or other utilities, and to fix the terms, conditions, rents, and rates of charges for that use.

Effective: June 26, 2009

History: Created 2009 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 84, effective June 26, 2009.